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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,941	07/30/2003	Yi Ding	M-15171 US	1763
7590	06/06/2005		EXAMINER	
Michael Shenker MacPHERSON KWOK CHEN & HEID LLP Suite 226 1762 Technology Drive San Jose, CA 95110			LINDSAY JR, WALTER LEE	
			ART UNIT	PAPER NUMBER
			2812	
			DATE MAILED: 06/06/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/631,941	DING, YI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Walter L. Lindsay, Jr.	2812	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-50 is/are pending in the application.  
4a) Of the above claim(s) 11-50 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3 and 5-7 is/are rejected.

7)  Claim(s) 4 and 8-10 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/19/2004.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

This Office Action is in response to an Election filed on 4/08/2005.

Currently, claims 1-50 are pending. Claims 11-50 are withdrawn from consideration.

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-10 in the reply filed on 4/8/2005 is acknowledged.
2. Claims 11-50 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method and device, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/8/2005.

### ***Specification***

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

4. Claims 5 and 6 objected to because of the following informalities: in line 1 of both claims "fist" should be "first". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Deml et al. (U.S. Patent No. 6,696,742 filed 10/11/2002).

Deml shows the method as claimed in Figs. 1-8 and corresponding text as: forming a first conductive gate for a nonvolatile memory cell (col. 3, lines 31-35); after the operation (1), forming conductive floating gates FG1 and FG2 for the memory cell (col. 3, lines 31-35) (claim 1). Deml teaches that the operation (2) further comprises forming conductive gates CG1 and CG2 for the memory cell, wherein the gates CG1, CG2 are insulated from each other and from the first conductive gate (col. 4, lines 52-62) (claim 2). Deml teaches that the gate CG1 overlies the gate FG1, and the gate CG2 overlies the gate FG2 (col. 4, lines 52-62) (claim 3). Deml teaches that a width of the first conductive gate is smaller than the minimum photolithographic line width (col. 4, line 62-col. 5, line 15) (claim 5). Deml teaches that a width of the first conductive gate is smaller than the width of any one of gates FG1,FG2 (col. 4, line 62- col. 5, line 15) (claim 6). Deml teaches forming a conductive layer (col. 6, lines 47-60); etching the conductive layer (col. 3, lines 31-35); wherein the etching operation comprises horizontal etching to reduce the with of the first conductive gate (col. 3, lines 31-35) (claim 7).

***Allowable Subject Matter***

7. Claims 4 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: the prior art, either singly or in combination fails to anticipate or render obvious, the limitations of:

...wherein the memory cell comprises two source/ drain regions in the substrate and a channel region extending between the two source/drain regions under the gates FG1 and FG2 and the first conductive gate, as required by claim 4 as it depends from claim 1; and

...reacting the material of the sidewalls with another material to form a reaction product on the sidewalls; and

removing the reaction product, as required by claim 8, as it depends from claim 1.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter L. Lindsay, Jr. whose telephone number is (571) 272-1674. The examiner can normally be reached on Monday-Thursday.

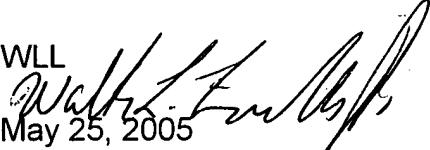
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael S. Lebentritt can be reached on (571) 272-1873. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Walter L. Lindsay, Jr.  
Examiner  
Art Unit 2812

WLL



May 25, 2005